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CENTRAL DIST. OF CALIF.  
RIVERSIDE

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11 UNITED STATES DISTRICT COURT  
12 CENTRAL DISTRICT OF CALIFORNIA

13 SECURITIES AND EXCHANGE  
14 COMMISSION,

15 Plaintiff,

16 vs.

17 ROBERT C. BUTLER,

18 Defendant.

Case No:

11 - 03792  
COMPLAINT FOR VIOLATIONS OF  
THE FEDERAL SECURITIES LAWS

(FFM)

1 Plaintiff Securities and Exchange Commission ("Commission") alleges as  
2 follows:

3 **JURISDICTION AND VENUE**

4 1. This Court has jurisdiction over this action pursuant to Sections 20(b),  
5 20(d)(1) and 22(a) of the Securities Act of 1933 ("Securities Act") [15 U.S.C.  
6 §§ 77t(b), 77t(d)(1) & 77v(a)], Sections 21(d)(1), 21(d)(3)(A), 21(e) and 27 of the  
7 Securities Exchange Act of 1934 ("Exchange Act") [15 U.S.C. §§ 78u(d)(1),  
8 78u(d)(3)(A), 78u(e) & 78aa], and Sections 209(d), 209(e)(1) and 214 of the  
9 Investment Advisers Act of 1940 ("Advisers Act") [15 U.S.C. §§ 80b-9(d), 80b-  
10 9(e)(1) and 90b-14]. Defendant Robert C. Butler ("Butler") has, directly or  
11 indirectly, made use of the means or instrumentalities of interstate commerce, of  
12 the mails, or of the facilities of a national securities exchange in connection with  
13 the transactions, acts, practices and courses of business alleged in this Complaint.

14 2. Venue is proper in this district pursuant to Section 22(a) of the  
15 Securities Act [15 U.S.C. § 77v(a)], Section 27 of the Exchange Act [15 U.S.C.  
16 § 78aa], and Section 214 of the Advisers Act [15 U.S.C. § 80b-14] because certain  
17 of the transactions, acts, practices and courses of conduct constituting violations of  
18 the federal securities laws occurred within this district, and Butler resides in this  
19 district.

20 **SUMMARY**

21 3. This case involves an ongoing fraudulent scheme conducted by Butler,  
22 of Bermuda Dunes, California.

23 4. Since January 2009, Butler has raised at least \$3.3 million from  
24 investors, targeting senior citizens. Butler falsely promised investors monthly  
25 returns of 2 to 10% through investments in his fund. In reality, Butler never earned  
26 such exorbitant returns and, in fact, has lost investor funds through short-term  
27 options trading and misappropriation of investor funds for personal purposes  
28 (including funds taken out at casinos). To conceal his fraud, Butler sent falsified

1 account statements to investors inflating the fund's purported balance and its  
2 returns. Despite redemption demands, Butler has failed to repay investors. Instead,  
3 he continues to solicit new funds and lull existing investors into believing that  
4 repayments are forthcoming.

5       5. Butler, by engaging in the conduct described in this Complaint, has  
6 violated, and unless enjoined will continue to violate, the antifraud provisions of  
7 the federal securities laws. By this complaint, the Commission seeks emergency  
8 relief against Butler, including a temporary restraining order, an asset freeze,  
9 accountings, an order expediting discovery, and an order prohibiting the  
10 destruction of documents, as well as preliminary and permanent injunctions,  
11 disgorgement with prejudgment interest, and civil penalties.

## 12                                   **DEFENDANT**

13       6. **Robert C. Butler**, age 44, resides in Bermuda Dunes, California. He  
14 claims to operate "funds" named the Butler Private Investment Fund, BTI Fund,  
15 and Hawk Performance Thrust Vector Application. He is not registered with the  
16 Commission in any capacity. He is also not registered with the State of California  
17 as an investment adviser.

## 18                                   **THE FRAUDULENT SCHEME**

### 19       **A. Butler's Investment Scheme**

20       7. Since at least January 2009, Butler has been operating a securities  
21 trading business out of his home using at least three different business names –  
22 Butler Private Investment Fund, BTI Fund, and Hawk Performance Thrust Vector  
23 Application.

24       8. Butler has obtained leads from his father-in-law, who lives in the  
25 same retirement community as several of the investors.

26       9. Butler typically invites investors to his home to view his trading  
27 operations, which consist of a purported proprietary trading program with multiple  
28 computer monitors. He touts his education and years of successful trading

1 experience. Butler sometimes shows investors account statements of other  
2 investors to demonstrate his purportedly large fund balance and high trading  
3 profits.

4 10. Butler represents to investors that their money will be pooled in a  
5 fund, that Butler will trade that money through his personal brokerage account  
6 (referred to herein as the "Account"), and that investors will share (on a pro rata  
7 basis) the trading profits from the Account.

8 11. In exchange for their investments, investors typically receive  
9 promissory notes (the "Notes"). The terms of the Notes vary, but they obligate  
10 Butler to repay the initial amount invested. Although some of the Notes indicate a  
11 guaranteed 8% annual interest rate, Butler orally represents that that is the  
12 minimum return and that they can expect as much as 10% monthly returns. Some  
13 of the Notes have been demand notes, while others have terms ranging from 30  
14 days to 10 years.

15 12. Butler sends investors monthly account statements, often by e-mail,  
16 consisting of four separate documents on "Hawk Performance Thrust Vector  
17 Application" letterhead: an account summary showing the size and performance of  
18 the entire fund as well as the investor's pro rata profit earned; a list of all the trades  
19 made that month; a graphic representation of the fund's performance; and a  
20 statement of the investor's account activity.

21 13. The monthly account statements show high rates of return, with  
22 typical profits of between 2 and 7% per month. The monthly account statements  
23 also show an ever-increasing balance for the fund. For example, in August 2010,  
24 Butler claimed that the fund was worth \$5.7 million. By March 2011, Butler  
25 claimed to have a fund balance of \$8.9 million.

26 14. Since January 2009, Butler has raised at least \$3.3 million. He has  
27 received funds from at least 17 investors, mostly senior citizens in and around  
28 Indio, California.

1           **B.    Butler Is Making Material Misrepresentations To Investors**

2           15.   Butler orally promises investors a high rate of return on their  
3 investments. Butler's representations vary, but he promises returns ranging  
4 between 2% and 10% a month. Butler bolsters his representations by showing to  
5 investors the monthly account statements of other investors.

6           16.   Butler never earned these exorbitant returns. To the contrary, he  
7 continually loses money through his securities trading. Butler's short-term trades  
8 and options investments are largely unsuccessful. Butler lost money in 24 of the  
9 27 months between January 2009 and March 2011. Between January 1, 2009 and  
10 March 31, 2011, Butler's securities trading lost approximately \$1.9 million.

11          17.   Butler has concealed his securities trading losses from investors.  
12 Butler sends to investors falsified monthly statements that list fake trading  
13 profits. For example, the following falsified monthly statements claimed the  
14 following fake profits:

- 15               a.    August 2010—4.08%;  
16               b.    October 2010—5.32%;  
17               c.    November 2010—7.20%;  
18               d.    December 2011—4.64%;  
19               e.    January 2011—5.45%;  
20               f.    February 2011—2.52%; and  
21               g.    March 2011—.53%.

22          18.   Butler's falsified monthly account statements also grossly inflated  
23 the fund's balance. For example, in August 2010, the monthly statements  
24 represented that the fund was worth \$5.7 million. The Account statement for the  
25 same period showed a balance of \$104. By March 2011, the monthly statements  
26 represented that the fund had a balance of \$8.9 million. The Account statement  
27 for the same period showed a balance of \$22.

28          19.   Butler's falsified monthly account statements also misstate the

1 specific trades that he had made in the fund that month.

2 20. Butler is misappropriating investor funds. Between January 1, 2009  
3 and March 31, 2011, Butler transferred approximately \$1.6 million of investor  
4 funds from his brokerage account to himself (the funds were either taken out as  
5 cash or were transferred to his personal bank accounts). At least \$47,000 of this  
6 money was taken out from casinos.

7 21. Butler touts his education to investors by claiming that he graduated  
8 from the Massachusetts Institute of Technology ("MIT"). Butler neither attended  
9 nor graduated from MIT.

10 22. Butler touts his professional experience to investors but fails to  
11 disclose that he had filed for bankruptcy protection under Chapter 7 of the  
12 Bankruptcy Code in 1998.

13 **C. Butler Has Failed To Repay Investors**

14 23. Several investors have demanded that Butler return their money.  
15 Butler has failed to repay them. Instead, he has lulled them by promising  
16 repayment and giving explanations for his delay. As recently as April 2011, Butler  
17 offered to repay one investor only if he made an additional investment in the same  
18 amount.

19 **FIRST CLAIM FOR RELIEF**

20 **Fraud In The Offer Or Sale Of Securities**

21 **Violations of Section 17(a) of the Securities Act**

22 **(Against Defendant Butler)**

23 24. The Commission realleges and incorporates by reference paragraphs 1  
24 through 23 above.

25 25. Butler, by engaging in the conduct described above, in the offer or  
26 sale of securities by the use of means or instruments of transportation or  
27 communication in interstate commerce or by use of the mails, directly or  
28 indirectly:

- a. with scienter, employed devices, schemes, or artifices to defraud;
- b. obtained money or property by means of untrue statements of a material fact or by omitting to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; or
- c. engaged in transactions, practices, or courses of business which operated or would operate as a fraud or deceit upon the purchaser.

26. By engaging in the conduct described above, Butler violated, and unless restrained and enjoined will continue to violate, Section 17(a) of the Securities Act [15 U.S.C. § 77q(a)].

### **SECOND CLAIM FOR RELIEF**

#### **Fraud In Connection With The Purchase Or Sale Of Securities Violations of Section 10(b) of the Exchange Act and Rule 10b-5 (Against Defendant Butler)**

27. The Commission realleges and incorporates by reference paragraphs 1 through 23 above.

28. Butler, by engaging in the conduct described above, directly or indirectly, in connection with the purchase or sale of a security, by the use of means or instrumentalities of interstate commerce, of the mails, or of the facilities of a national securities exchange, with scienter:

- a. employed devices, schemes, or artifices to defraud;
- b. made untrue statements of a material fact or omitted to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or
- c. engaged in acts, practices, or courses of business which

1                   operated or would operate as a fraud or deceit upon other  
2                   persons.

3           29. By engaging in the conduct described above, Butler violated, and  
4 unless restrained and enjoined will continue to violate, Section 10(b) of the  
5 Exchange Act [15 U.S.C. § 78j(b)], and Rule 10b-5 thereunder [17 C.F.R.  
6 § 240.10b-5].

7                   **THIRD CLAIM FOR RELIEF**

8                   **Fraud By An Investment Adviser**

9                   **Violations of Sections 206(1) and (2) of the Advisers Act**

10                   **(Against Defendant Butler)**

11           30. The Commission realleges and incorporates by reference paragraphs 1  
12 through 23 above.

13           31. Butler, by engaging in the conduct described above, directly or  
14 indirectly, by use of the mails or means and instrumentalities of interstate  
15 commerce:

- 16                   a. with scienter, employed and is employing devices, schemes or  
17                   artifices to defraud clients or prospective clients; or  
18                   b. engaged in or is engaging in transactions, practices, or courses  
19                   of business which operated as a fraud or deceit upon clients or  
20                   prospective clients.

21           32. By engaging in the conduct described above, Butler violated, and  
22 unless restrained and enjoined will continue to violate, Sections 206(1) and (2) of  
23 the Advisers Act [15 U.S.C. §§ 80b-6(1) and (2)].

24                   **FOURTH CLAIM FOR RELIEF**

25                   **Fraud Involving A Pooled Investment Vehicle**

26                   **Violations of Section 206(4) of the Advisers Act and Rule 206(4)-8**

27                   **(Against Defendant Butler)**

28           34. The Commission realleges and incorporates by reference paragraphs 1



1 through 23 above.

2 35. Butler, by engaging in the conduct described above, while acting as an  
3 investment adviser to a pooled investment vehicle, directly or indirectly, by use of  
4 the mails or means or instrumentalities of interstate commerce:

5 a. Made untrue statements of a material fact or omitted to state a  
6 material fact necessary in order to make the statements made, in  
7 the light of the circumstances under which there were made, not  
8 misleading, to any investor or prospective investor in the  
9 pooled investment vehicle; or

10 b. Engaged in acts, practices, or courses of business that were  
11 fraudulent, deceptive, or manipulative with respect to any  
12 investor or prospective investor in the pooled investment  
13 vehicle.

14 36. By engaging in the conduct described above, Butler violated, and  
15 unless restrained and enjoined will continue to violate, Section 206(4) of the  
16 Advisers Act [15 U.S.C. § 80b-6(4)] and Rule 206(4)-8 thereunder [17 C.F.R.  
17 § 275.206(4)-8].

18 **PRAYER FOR RELIEF**

19 WHEREFORE, the Commission respectfully requests that the Court:

20 **I.**

21 Issue findings of fact and conclusions of law that Butler committed the  
22 alleged violations.

23 **II.**

24 Issue judgments, in forms consistent with Fed. R. Civ. P. 65(d), temporarily,  
25 preliminarily and permanently enjoining Butler, and his agents, servants,  
26 employees, and attorneys, and those persons in active concert or participation with  
27 any of them, who receive actual notice of the judgment by personal service or  
28 otherwise, and each of them, from violating Section 17(a) of the Securities Act [15

1 U.S.C. § 77q(a)], Section 10(b) of the Exchange Act [15 U.S.C. §§ 78j(b)], and  
2 Rule 10b-5 thereunder [17 C.F.R. § 240.10b-5], and Sections 206(1), 206(2), and  
3 206(4) of the Advisers Act [15 U.S.C. §§ 80b-6(1), (2) and (4)] and Rule 206(4)-8  
4 thereunder [17 C.F.R. § 275.206(4)-8].

5 **III.**

6 Issue, in a form consistent with Fed. R. Civ. P. 65, a temporary restraining  
7 order and a preliminary injunction freezing the assets of Butler, prohibiting him  
8 from destroying documents, granting expedited discovery, and requiring  
9 accountings from Butler.

10 **IV.**

11 Order Butler to disgorge all ill-gotten gains from his illegal conduct,  
12 together with prejudgment interest thereon.

13 **V.**

14 Order Butler to pay civil penalties under Section 20(d) of the Securities Act  
15 [15 U.S.C. § 77t(d)], Section 21(d)(3) of the Exchange Act [15 U.S.C.  
16 § 78u(d)(3)], and Section 209(e) of the Advisers Act [15 U.S.C. § 80b-9(e).]


17 **VI.**

18 Retain jurisdiction of this action in accordance with the principles of equity  
19 and the Federal Rules of Civil Procedure in order to implement and carry out the  
20 terms of all orders and decrees that may be entered, or to entertain any suitable  
21 application or motion for additional relief within the jurisdiction of this Court.

22 **VII.**

23 Grant such other and further relief as this Court may determine to be just and  
24 necessary.

25  
26 DATED: May 3, 2011



David J. VanHavermaat  
Attorney for Plaintiff  
Securities and Exchange Commission

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge Margaret M. Morrow and the assigned discovery Magistrate Judge is Frederick F. Mumm.

The case number on all documents filed with the Court should read as follows:

**CV11- 3792 MMM (FFM~~x~~)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

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**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

☒ **Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

☐ **Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

☐ **Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

David J. Van Havermaat, Cal. Bar No. 175761  
 Email: vanhavermaat@sec.gov  
 Katharine E. Nolan, Cal. Bar No. 254867  
 Email: nolank@sec.gov  
 Securities and Exchange Commission  
 5670 Wilshire Boulevard, 11th Floor  
 Los Angeles, California 90036  
 Telephone: (323) 965-3998 / Facsimile: (323) 965-3908

UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA

SECURITIES AND EXCHANGE COMMISSION,

CASE NUMBER

CV 11 - 03792

MMM

(FFMx)

v.

ROBERT C. BUTLER,

SUMMONS

DEFENDANT(S).

TO: DEFENDANT(S): \_\_\_\_\_

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, David J. Van Havermaat/Katharine E. Nolan, whose address is SEC, 5670 Wilshire Boulevard, 11th Floor, Los Angeles, California 90036. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

TERRY NAFISI

Clerk, U.S. District Court

Dated: \_\_\_\_\_

MAY - 3 2011

By: \_\_\_\_\_

Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA**  
**CIVIL COVER SHEET**

<b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input type="checkbox"/> ) SECURITIES AND EXCHANGE COMMISSION		<b>DEFENDANTS</b> ROBERT C. BUTLER  Riverside County	
<b>(b) Attorneys</b> (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)  David J. Van Havermaat and/or Katharine E. Nolan (323) 965-3998 Securities and Exchange Commission 5670 Wilshire Boulevard, 11th Floor, Los Angeles, CA 90036		<b>Attorneys</b> (If Known)	

<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)  <input checked="" type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)  <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only</b> (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:35%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> <td style="width:45%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> </tr> <tr> <td>Citizen of This State</td> <td align="center"><input type="checkbox"/> 1</td> <td align="center"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td align="center"><input type="checkbox"/> 4</td> <td align="center"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td align="center"><input type="checkbox"/> 2</td> <td align="center"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td align="center"><input type="checkbox"/> 5</td> <td align="center"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td align="center"><input type="checkbox"/> 3</td> <td align="center"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td align="center"><input type="checkbox"/> 6</td> <td align="center"><input type="checkbox"/> 6</td> </tr> </table>		<b>PTF</b>	<b>DEF</b>		<b>PTF</b>	<b>DEF</b>	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	<b>PTF</b>	<b>DEF</b>		<b>PTF</b>	<b>DEF</b>																				
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

<b>IV. ORIGIN</b> (Place an X in one box only.) <input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify): <input type="checkbox"/> 6 Multi-District Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
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<b>V. REQUESTED IN COMPLAINT:</b> JURY DEMAND: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Check 'Yes' only if demanded in complaint.)	<b>CLASS ACTION under F.R.C.P. 23:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <b>MONEY DEMANDED IN COMPLAINT: \$</b> _____
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<b>VI. CAUSE OF ACTION</b> (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) The Complaint alleges violations of the federal securities laws. 15 U.S.C. § 77q(a); 15 U.S.C. § 78j(b) & 17 C.F.R. § 240.10b-5; 15 U.S.C. §§ 80b-6(1) & (2); and
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<b>VII. NATURE OF SUIT</b> (Place an X in one box only.) 15 U.S.C. § 80b-6(4) & 17 C.F.R. § 275.206(4)-8.
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<b>OTHER STATUTES</b>	<b>CONTRACT</b>	<b>TORTS</b>	<b>TORTS</b>	<b>PRISONER</b>	<b>LABOR</b>
<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input checked="" type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <div style="text-align: center;"><b>REAL PROPERTY</b></div> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<div style="text-align: center;"><b>PERSONAL INJURY</b></div> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <div style="text-align: center;"><b>IMMIGRATION</b></div> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<div style="text-align: center;"><b>PERSONAL PROPERTY</b></div> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <div style="text-align: center;"><b>BANKRUPTCY</b></div> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <div style="text-align: center;"><b>CIVIL RIGHTS</b></div> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<div style="text-align: center;"><b>PETITIONS</b></div> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <div style="text-align: center;"><b>FORFEITURE/PENALTY</b></div> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <div style="text-align: center;"><b>PROPERTY RIGHTS</b></div> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <div style="text-align: center;"><b>SOCIAL SECURITY</b></div> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <div style="text-align: center;"><b>FEDERAL TAX SUITS</b></div> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

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AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

**VIII(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes  
If yes, list case number(s): \_\_\_\_\_

**VIII(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes  
If yes, list case number(s): \_\_\_\_\_

**Civil cases are deemed related if a previously filed case and the present case:**

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or  
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or  
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**IX. VENUE:** (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.  
☒ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.  
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Robert C. Butler - Riverside County	

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.  
**Note: In land condemnation cases, use the location of the tract of land involved.**

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Riverside, Los Angeles and Orange Counties	

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

**Note: In land condemnation cases, use the location of the tract of land involved**

X. SIGNATURE OF ATTORNEY (OR PRO PER):

Date

5/2/11

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

**Key to Statistical codes relating to Social Security Cases:**

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))